

Minutes of the Finance Committee

Wednesday, May 18, 2005

Chair Haukohl called the meeting to order at 8:45 a.m.

Present: Supervisors Pat Haukohl (Chair), Jim Behrend, Don Broesch, Ken Herro, Bonnie Morris, and Joe Marchese. Ken Herro arrived at 8:50 a.m. and Genia Bruce arrived at 9:15 a.m. Marchese and Bruce left the meeting at 1:45 p.m.

Staff Present: Legislative Policy Advisor Mark Mader, Senior Risk Management Analyst Jeff Newcomb, Senior Civil Engineer Karen Braun, Parks & Land Use Director Dale Shaver, Parks Systems Manager Jim Kavemeier, County Board Supervisors Duane Stamsta and Andy Kallin, and Planning and Zoning Manager Dick Mace.

Also Present: Jerry Heine, Steve and Patty Brink, Bronson Haase, Mark Mundt, and Sam Bradt of the North Lake Management District; North Lake Area Residents Lynn Rix, Dan Grodoehl, Lynda and Jim Schneider, Pat Van Lill, Colleen Hulen, Chris and Dani Dix, Ron Konieczka, Suzanne and Robert J. Kelley, Chris Schmidt, Paulette Draeger, Richard Chambers, Elmer and Gloria Pucek, Mary Alice Eschweiler, Don Reinbold, Don Camplie, Tom Peters, and Tom Howell; Jerry Caster of UW-Milwaukee; Dwight Osmon of Hey & Associates; Jim Morrissey, Dave Dahms, and Tom Blotz of the State Department of Natural Resources; Arthur Seidel of the Waukesha County Conservation Alliance; Richard Chambers of Hartland; Robert Feulner of Oconomowoc; Mike Derenng, and Ken Zettelmeier of Waukesha; and William P. O'Connor of the Coalition for a Responsible North Lake Access.

Approve Minutes of 5-4-05

MOTION: Marchese moved, second by Behrend to approve the minutes of May 4th. Motion carried 5-0.

Supervisor Herro arrived at 8:50 a.m.

Chair's Executive Committee Report of 5-16-05

Haukohl advised of the following issues discussed at the last Executive Committee meeting:

- Ordinance 160-O-015: Acceptance of Year 2005 Multi-Jurisdictional Comprehensive Planning Grant
- Information Systems Division flow chart.
- Funding of the Waukesha County Federated Library Study.

Schedule Next Meeting Dates

- May 24th at 8:00 a.m.
- June 1st at 8:45 a.m.

Announcements

The committee will meet on Tuesday, May 24, 2005 at 8:00 a.m. to vote on Ordinance 160-O-012.

Review Correspondence

- Fax received May 17th from Robert Moebius featuring three letters on the North Lake issue from Don Bentzien, George Miller and Robert Moebius.

Information Management Panel Report of 5-6-05

Behrend reported the Information Management Panel heard updates on the following issues:

- Help Desk Services
- Waukesha County Communications Center Project
- Web Content Management for Ordinance Tracking and Management
- IT Security Initiatives including PC Lock-Down and HIPAA
- Avatar PM/Family Statement for HHS
- Tax System Replacement
- Justice System Data Warehouse
- SAMS for Senior Services

1st Quarter Status Report on Claims

Newcomb reported that in 2004, the county changed its third party administrator (TPA) to manage worker's compensation claims. The new TPA's claim management information system captures some data within its loss reports that the prior TPA's system did not. As a result modifications were made, effective 2004, in the claims history summary report. As of 2004, amounts shown in the "Disability Pay" column reflect only the county's supplement to the statutory portion of the loss time benefits allowed under the Worker's Compensation Act. The portion owed per state statute is reflected in TPA's loss run under the "Compensation" column. Legal expenses are captured in the TPA's loss run under "Claims Adj. Expenses" column. The TPA fee to handle each claim is included in the "Claims Adj. Expenses" column and reflects total claim costs rather than separate billing for claims administration fee, as was done by the prior TPA.

Supervisor Bruce arrived at 9:15 a.m.

For the first quarter of 2005, there were 31 total claims with 30 claims remaining open. Compensation payments for this time period totaled \$9,300 and were incurred by the following departments/divisions: Fleet (\$2,886), Sheriff's Department (\$2,886), Highway Department (\$500) and Clerk of Courts (\$2,392). During this time period, there has been one general liability claim resulting in zero dollars incurred. Year-to-date, there have been 15 auto claims with nine open claims with \$17,513 incurred. There have been seven claims of auto physical damage totaling \$29,182 with \$20,371 from subrogation and net insurance totals of \$8,811.

Newcomb said in 2004 there were 43 general liability claims filed with 24 remaining open. Total incurred for that time period was \$108,306.

Ordinance 160-O-013: Sale of Excess Right of Way, Parcel 45, CTH J/STH 164, Pewaukee Road

Braun indicated this ordinance involves selling a remnant parcel which the County purchased for the CTH J (now STH 164) project. It is adjacent to Five Fields Subdivision in the City of Pewaukee, consists of about three-quarters of an acre, has sewer and water, and is suitable for

development of a single-family home. Braun said an appraisal from two to three years ago came in at \$46,000. Braun said last week she looked at comparable lots near the parcel which are in the \$90,000 range. Because of a few drawbacks associated with this parcel, staff are anticipating a sale price (fair market value) of about \$75,000 to \$100,000.

MOTION: Behrend moved, second by Herro to approve ordinance 160-O-013. Motion carried 7-0.

Ordinance 160-O-015: Acceptance of Year 2005 Multi-Jurisdictional Comprehensive Planning Grant

Shaver said the County Board approved a resolution last fall to allow the department to apply for and ultimately accept an \$812,000 state grant on behalf of 24 Waukesha County municipalities to update a comprehensive land use plan. The County would retain \$175,000, \$135,000 of which would be used to contract with UW-Extension staff to write the plan text throughout the process and seek public input / participation on the plan. The remaining \$40,000 would be used for printing costs, to purchase software that will allow them to create maps for both the books and the website, and for administrative / staff costs.

Shaver said the State's Joint Finance Committee, by a 10-6 vote, decided to repeal the Smart Growth Law. It was unclear what impact, if any, this will have on 2005 grantees and staff are waiting to hear from the State Department of Administration.

MOTION: Broesch moved, second by Marchese to approve ordinance 160-O-015. Motion carried 7-0.

Ordinance 160-O-012: North Lake Access Partnership Grant

Haukohl advised that while discussion and public comment will be taken up at today's meeting, the committee will vote on this ordinance on Tuesday, May 24th. This meeting will begin at 8:00 a.m. and there will be no additional public comment. Public comment will, however, be allowed at the County Board meeting beginning at 9:00 a.m. on May 24th.

Shaver and staff reviewed the DNR and County-recommended site (Kraus) and an alternate site which is being proposed by the North Lake Management District (NLMD) and some North Lake residents (Kuchler). The ordinance proposes that the Kraus property be acquired to provide public access to North Lake. The DNR is proposing to purchase the Kraus property for \$1,125,000 whereby the County would contribute \$200,000 and the state would contribute \$925,000. The DNR would be responsible for development, operation, and maintenance of the site. Once developed, it will provide the public with safe, year-round access to North Lake. The County's portion of funding is available in the Tarmann Parkland Acquisition Fund. Following the disbursement of these funds, the unobligated Tarmann Fund balance is estimated to be approximately \$2.1 million. Marchese asked if the \$1,125,000 includes the cost to expand the road needed for the access site. Kavemeier said no, it did not. Shaver distributed copies of "Public Access Comparison Through the Waukesha County Shoreland and Floodland Protection Ordinance – 5/16/05" which staff explained as outlined.

Kavemier showed aerial and topographical maps of the Kraus property. Mace advised the Kraus property is about 6.5 acres and provides 233 feet of lake frontage. He said the Kraus site is very

suitable for development; it is level, stable and contains non-hydric soil. The flood plain will not be affected. Morrissey said the boat launch would be located between two sandbars. He noted the water is 3.5 feet deep 50 feet from the shoreline. Shaver discussed construction costs and said this will be determined and detailed in the future capital projects plan. No cost analysis has been done for either site.

Kavemeier showed aerial and topographical maps of the Kuchler site which is at the mouth of the Oconomowoc River and near STH 83. This property is about 2.9 acres with a purchase price of \$400,000. Mace said permitting problems exist because of the marshy areas and floodway line at the Kuchler property. The floodway line also impacts the launch area. Because of the wetlands, the Army Corps of Engineers would very likely need to become involved which could become a lengthy process. Because of hydric soils and muck near the launch area at the Kuchler property, construction costs would be higher than normal. Additionally, Mace said an approved Town resolution established that Lake Street, which receives state aid, be 50 feet wide. The Kuchler site would require a 66-foot turnaround for boats / trailers. Because this affects Lake Street, the road-width issue would need to be resolved. Also, the improvements as documented by the Lake Management District's proposal would require rezoning and would need County Board approval because of its impact on wetlands. Rezoning would also require Federal Emergency Management Agency (FEMA) approval. Shaver said he believes ongoing dredging needs would also be an issue at the Kuchler site and this involves additional costs. He also noted that North Lake Yacht Club's current conditional use near the Kuchler site doesn't allow public access and this would need to be rectified. NLMD had indicated they would work with the club.

Mace said gaining access in the winter is a concern at the Kuchler site because of the strong river flow which would impact ice formation. This problem does not exist at the Kraus site. Shaver said while the Kraus site is part of the County's Parks and Open Space plans, wetlands at the Kuchler site are identified for preservation. Mace noted that both the Kraus and Kuchler sites would require a conditional use permit under County and Town ordinances.

Marchese brought up the issue of safety and if rescue vehicles could access the Kraus site in a reasonable amount of time. Shaver said that issue exists today. There are already boats on the lake and there is currently emergency access at the north end which meets the call zone for the Merton system. Access via the Kraus site on the west gives them alternate access which is also closer for Stone Bank rescue workers.

Morris asked how deep the water was near the Kuchler launch site. Mace said about 1-1/2 feet because of silt. Bruce commented on the high cost per acre at the Kraus site. Morrissey said two appraisals came in: \$720,000 and \$800,000. But because they were competing with another buyer, \$1,125,000 was the best-negotiated price they could get. Broesch asked if there would be adequate turnaround space at the Kuchler site. Jim Morrissey, of the DNR, said he and staff felt this could be one of the limitations at the Kuchler property. Haukohl also expressed concerns.

Morrissey advised that at 437 acres, North Lake is the largest lake in Waukesha County without an adequate public access site. It is the 9th largest lake in the county and it is the highest priority lake for public access in southeastern Wisconsin. The DNR proposes to provide parking for 15 car-trailer units and one car-trailer unit for persons with disabilities. In addition, the DNR proposes to provide five car-only spaces and one car-only space for persons with disabilities.

The DNR proposes to include a boat ramp, boarding dock, an enclosed toilet facility and landscaping. The Kraus site protects the sensitive wetlands areas located on the property and it preserves additional green space not needed for access development. It will provide for year-round use including ice fishing access. The Kraus site is adequate for site screening, traffic flow, and stormwater management. Among its attributes are an adequate water depth, level topography, minimal dredging, and low future maintenance costs. Development would begin sometime in 2006.

Herro asked if the ordinance was defeated, would the DNR work with locals to develop the Kuchler site since it was considered back in 1994. Morrissey said a lot has happened since then including an additional evaluation of the Kuchler site. DNR staff have reservations about approvability and limitations of the site including groundwater seepage throughout the entire area and non-conducive soils. Herro commented that because they're the DNR, they could make things happen. Morrissey said yes, they can construct anything, anywhere, as long as you throw money at it. Morrissey said if the County Board defeats this ordinance, the DNR would work with the State Department of Administration to make a recommendation to the Governor and he would decide what to do. Herro asked about possible Stewardship Grants for the Kuchler property. Morrissey said grants are available right now that NLMD could utilize for acquisition and restoration of wetlands. However, Morrissey said those wetlands are uniquely valuable as being the actuary of the Oconomowoc River at the entry to North Lake.

Public Comments: Those that Spoke in Favor of the Kuchler Site

Sam Bradt commented that the Kraus proposal represents unnecessarily high costs. The Kuchler plan would accommodate a 60-foot turnaround and would be perfectly adequate for a boat launch. Clean up at the Kuchler site would cost less than half of that at the Kraus site. Steven Brink said there is no support for the DNR site from North Lake homeowners, other than the DNR and some from the Evergreen Condos who don't want a launch in their backyard. However, there is overwhelming support for the Kuchler site. Dwight Osmond compared environmental impacts of both sites and said the Kuchler site would involve no loss of total wetland acreage and there would be minimal impacts to fish habitat. Judy Heine spoke about cost, rescue personnel response time, and potential environmental damage at the Kraus site. Jim Schneider was concerned with disruption of the sandbars and weed lines. He also said ice fishermen have always found a way to get on the lake, perhaps they could walk through yards. Colleen Hulen said the water level at the Kraus site can get as low as one foot deep and dredging could damage the lake's pristine bottom. Bronson Haase said third party engineers and environmentalists have evaluated the Kuchler site and it meets all objectives. To date, this has not occurred with the Kraus site and he believes it would cost three times more than what's currently estimated by the DNR. Jerry Caster, Mark Mundt, Chris Dix, Danni Dix, Mike Derenng, Paulette Schrader, Robert Feulner, Pat Vantell, Mary Alice Eschweiler, and Tom Peters also commented.

Jerry Heine gave history on negotiations for the \$400,000 purchase price for the Kuchler property and said the current price expires June 1st. However, they're working to extend it and get an agreement in writing. Heine explained their construction plan which he said was more cost effective than the DNR's plans for the Kraus site. He said NLMD supports public access on North Lake and the Town Board also supports the Kuchler site. Regarding winter access, they have an agreement with the North Lake Yacht Club whereby ice fishermen can access the lake

via the club when it cannot be accessed via the Kuchler site. In addition, this is a great opportunity to clean up the Kuchler site which Heine characterized as a junkyard. They do not have funding yet to finance a public access at the Kuchler site and exactly how this will be done is unknown.

Broesch asked if lake property owners would be taxed. Heine said they would be taxed but not for the \$400,000. Heine said they have another meeting on May 27th and they will be asking for approval to purchase the property with no contingencies. Heine did not know if this would pass. Shaver said on that May 27th agenda, a \$100,000 grant from the County is denoted. Shaver said a grant from the County, if approved, would be based upon a certified appraisal or an offer to purchase, whichever is lower. Broesch felt it was important to see a detailed plan that would accomplish this in a timely manner. Heine said they submitted a public launch permit to the DNR on May 11 and it was rejected on May 12 because they don't own the property. Under DNR rules, you must own the property. Morris asked if NLMD purchases the property and maintains the boat launch, will it run under the same guidelines as the DNR? Heine said yes, except they would have a paid employee on weekends and holidays. Morris asked has membership approved the district owning and operating a boat launch without any DNR affiliation? Heine said no, and he didn't know when this would happen. Their first preference is to have the DNR purchase and develop the site and NLMD would operate it.

Public Comments: Those that Spoke in Favor of the Kraus Site

Arthur Seidel said he represents hunters and fisherman and he felt this was a NIMBY (Not In My Backyard) issue and asked that the people of Waukesha County be considered over the people of North Lake. Ron Konieczka commented there is no access to the lake through the Kuchler site in the winter. Also, Mr. Kuchler has been illegally filling in his land which has caused expense to neighbors. He asked that residents of the Evergreen Condominiums also be considered. Suzanne Kelly was concerned with NLMD's plan to purchase the Kuchler site without contingencies and possible financial burden on lake residents. She urged the committee to vote yes and believes this issue, if not approved, will go on unresolved for many years. Elmer Pucek spoke against the Kuchler site and was concerned with access from STH 83. He said it was a very dangerous area. Robert Kelly spoke in favor of the Kraus site and did not believe rescue vehicles would be hindered. He also objects to any type of double taxation if the Kuchler site requires any financing by lake residents. He was concerned about high entrance fees if NLMD owned and operated it. Don Camplie believes there could be natural springs at the Kuchler site. Any work at the Kuchler site would push silt further into the lake, something that is already a problem due to the dam removal years ago. Lynn Rix, Ken Zettelmeier and Tom Howell also commented.

Bill O'Connor said NLMD has never identified how they will pay for the Kuchler property, how they will pay to develop the property, or how they will pay for personnel when it is managed by NLMD. NLMD has not obtained an appraisal on the Kuchler property either. NLMD, at a special meeting, modified their annual budget and they adopted a resolution permitting the commissioners to go forward with a purchase agreement with various contingencies. O'Connor passed around copies of these meeting minutes and advised of misleading statements, including that NLMD had already applied for a grant from Waukesha County and was approved without having any appraisal of the Kuchler property. He wonders if the Kuchler property is really an alternative or an "illusion" of an alternative. Regarding the May 27th meeting, if actions the

commissioners propose at that time are approved, NLMD will have expended all their reserve funds and they will have a \$32,000 deficit. They will be voting to authorize purchase of the Kuchler property without providing where the funds will come from and this violates the State Statutes. He said all funds for the Kraus site for acquisition, development, operation, etc. are available and provided for with the vast majority funds coming from the state. It shouldn't come down to a handful of property owners on North Lake. He urged the committee to approve the ordinance.

Morris asked if Lake Street would be affected by the Kuchler proposal? Heine said yes, but they had a verbal agreement with the Town that this would be remedied.

The committee recessed at 1:45 p.m. and reconvened at 2:30 p.m. at the Kraus and Kuchler properties on North Lake for the purpose of viewing the properties. Marchese and Bruce left the meeting at 1:45 p.m.

Chair Haukohl declared the meeting adjourned at 3:40 p.m. at the Kraus site.

Future Agenda Item

- Discuss UW-Waukesha Insurance Claims Pertaining to Roof Leaks

Recorded by Mary Pedersen, Legislative Associate, County Board Office.

Respectfully submitted,

Bonnie J. Morris
Secretary